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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE **OCTOBER 27, 1991** **FILE NO.** 091-48154-1381-055

C- ASSAULT WITH A DEADLY UPON A PEACE OFFICER - 245(b)(1) P.C./OFFICER INVOLVED SHOOTING
Action Taken ACTIVE/INVESTIGATION MADE

V- **LISTED BELOW**

D- 10-26-91 AT 0300 HOURS

L- [redacted] EAST BORT STREET, LONG BEACH 90805

S- ARRESTED: **NELSON, TIMOTHY WAYNE MW/34,** DOB: 05-24-58
[redacted]

DETAINED: BOOKING NO. 2789329
ARRAIGNMENT: HOMICIDE BUREAU

VICTIMS:

#1 CLAUS, MICHAEL MW/29, DEPUTY SHERIFF #[redacted]
ASSIGNED TO SPECIAL ENFORCEMENT BUREAU

#2 VELASQUEZ, SAL MH/33, DEPUTY SHERIFF #[redacted]
ASSIGNED TO SPECIAL ENFORCEMENT BUREAU

EVIDENCE HELD:

Item # 1 - One envelope containing four expended .223 caliber casings.

Item # 2 - One envelope containing 16 expended 12 gauge shotgun shell casings.

Item # 3 - One envelope containing lead bullet fragments.

Item # 4 - One envelope containing a copper jacket.

Item # 5 - One envelope containing a lead slug.

Item # 6 - One envelope containing a lead bullet fragment.

Item # 7 - One revolver, "Ruger Blackhawk", .44 Magnum caliber, Serial [redacted].

Item # 8 - One envelope containing one expended .44 Magnum caliber casing.

Item # 9 - One envelope containing one box which contains 38 expended .44 Magnum caliber casings and four live .44 Magnum caliber cartridges.

Personal property removed from the location belonging to Suspect Nelson.

Item # 1 - One pistol, "Raven Arms", .25 caliber, Serial #[redacted].

Item # 2 - One rifle, "M1 Carbine", .30 caliber, Serial [redacted]

Item # 3 - One shotgun, "J.C. Higgins", Model 1011, .401 caliber, no Serial #.

Item # 4 - One rifle, "M1 Carbine", .30 caliber, Serial #[redacted].

Item # 5 - One shotgun, "Remington", Model 1100, 12 gauge, Serial [redacted]

Item # 6 - One rifle, "Interarms", Model Mark X, .308 caliber with scope, Serial #[redacted]

Item # 7 - One rifle, "Ruger", Model M77, .300 caliber with scope, Serial #[redacted].

Item # 8 - One rifle, "Ruger", Model M77, 30.06 caliber with scope, Serial #[redacted].

Item # 9 - One revolver, "RG" brand, Model 66, Serial #[redacted].

Item #10 - One pistol, "Raven Arms", .25 caliber, Serial [redacted].

Item #11 - One shotgun, "Smith & Wesson", Model 916T, 12 gauge, Serial [redacted].

Item #12 - One box containing miscellaneous ammunition and magazines.

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On 10-26-91, Investigators were dispatched to [redacted] East Bort Street in Long Beach at 0840 hours to investigate an officer involved shooting.

Upon arrival at the location, Investigators contacted handling unit Deputies **K. TEEPLES**, #[redacted] and **M. THATCHER**, #[redacted] assigned to Unit 138B, Lakewood, EM's. They advised Investigators that the suspect's [redacted] had called Lakewood Sheriff's Station

from Marina Del Rey and stated that the suspect had swallowed Prozac attempting suicide and was in need of medical assistance. Lakewood dispatched units to the location regarding a 902A and prior to their arrival at their location Long Beach Fire Unit 11 arrived.

The suspect's [redacted], [redacted], escorted Long Beach Fire into the house to the garage where Suspect Nelson was. Suspect Nelson told them to "get the fuck out." Long Beach Fire left the location via the front door just as Deputies Thatcher and Teeples arrived. The deputies were discussing with the suspect's [redacted] if there was any problem or if she or her [redacted] wanted any help. She advised them they did not want any help or needed any help and as the deputies were preparing to leave, they heard one shot from inside the location. They immediately called for backup and started to contain the location.

Deputies Thatcher and Teeples entered the location via the front door and began clearing the residence from the front towards the rear, including the upstairs. As they approached the garage area from the patio area, they looked in the garage and observed the suspect with his face pushed up against the glass in the window of the garage door which enters into the covered patio. The deputies immediately backed out after they observed the suspect standing there with a revolver pointing towards his head. They requested the Special Enforcement Bureau regarding a barricaded suspect at 0355 hours.

While waiting for the Special Enforcement Bureau to arrive, the suspect's [redacted], [redacted], and his friend, [redacted], arrived at the location. The deputies permitted them to enter into the residence and stand in the hallway in an attempt to talk the suspect out of the garage. When the suspect's [redacted] called to Suspect Nelson, he stated to him that he had a .44 Magnum to his head and wanted deputies to kill him. He also stated his [redacted] was dying and he couldn't help her if he was alive. He needed to be dead so he could "guide" her. The suspect's friend, [redacted], attempted to talk to him and when they would not allow [redacted] to enter the garage area, the suspect yelled that he was trying to pull his cop shit and they all exited the location.

After Special Enforcement Bureau deputies arrived at the location, they deployed inside the residence. After a period of time, the suspect was observed to walk through the garage doorway located at the south wall of the garage into the enclosed patio. The suspect was holding a revolver and fired a round toward the Special Enforcement Bureau deputies' direction. The Special Enforcement Bureau deputies immediately returned fire wounding the suspect. The suspect retreated back into the garage and after a period of time, subsequently surrendered to the Special Enforcement Bureau deputies.

Deputies Thatcher and Teeples placed the suspect under arrest for assault on a peace officer and transported him to Los Angeles County Medical Center, Jail Ward. The deputies recovered five live .44 Magnum shell cartridges and one expended .44 Magnum cartridge from his pockets. That evidence was booked at Lakewood Sheriff's Station as evidence.

Deputies Thatcher and Teeples will make a report of their observations and activities, which will become a permanent part of this file.

While at the location, the suspect's [redacted], [redacted], arrived and conferred with Investigators. Mrs. [redacted] signed a Los Angeles County Sheriff's Department Entry and Search Waiver form, authorizing Investigators to conduct a search of the premises. After the form was signed, Investigators conducted their on scene investigation.

Investigators observed the scene to be located on the [redacted] side of Bort Street [redacted] houses [redacted] of Butler Avenue. The north/south street to the west is Muriel Avenue, the east/west street to the north is Forham Street and to the south, Adams Street. There is an alley which runs [redacted] at the [redacted] of the location.

The location itself is a [redacted] residence consisting of [redacted] stucco and [redacted] and [redacted] wood trim. There is a 5 foot cinder block fence on both the east and west side of the location. The front door of the location faces in a southbound direction and is in the center of the residence. As you enter the location through the front door, there is a stairwell leading to the second story which is just west of the entryway and leading in a northerly direction. This area of the residence is unremarkable.

There is a hallway leading from the front door, north bound, towards the rear of the location and off this hallway to the west or to the left is a living room area. The living room area has a fireplace on the west wall. On the south wall there is a window with two end tables under it and a lamp on the floor. The windows are covered with blankets. On the west wall in the southwest corner is a hutch. As you enter the room there is a large couch facing north which is just north of the walkway. There is a love seat west of and north of the couch facing in a northwest direction.

There is a television in the northwest corner of the location which is covered with a blanket. There is a 5 foot cat tree in the northeast corner of the room. There is a large chair matching the couches which is standing on its face with its legs along the wall directly along the east wall and just north of the corner of the large couch is a sliding glass door in the center of the north

wall. This door is covered with vertical blinds that extend from the top of the door to the bottom of the door.

Upon closer examination of the vertical blinds, Investigators observed numerous small bullet holes. The window directly behind the blinds of the sliding glass door, which would be the west door, was shattered and broken with shards of glass lying on the floor in the living room and also in the covered patio area, which is directly north of the living room sliding glass door. On the floor in the living room, Investigators observed four .223 shell casings (Evidence Held Item #1). One was located just east of the north end of the love seat. Another one was located just north of the large couch in the center. Another was located underneath the cat tree which is located in the northwest corner and the fourth was underneath the chair which was standing on its face along the east wall.

Prior to leaving the living room area, Investigators checked the Special Enforcement Bureau's weapons, which were left in this room. The first weapon was an "HK 33", .223 caliber rifle, Serial #E[redacted]. This rifle was empty with the bolt locked back, the magazine had been removed and lying next to it. Investigators checked the magazine and counted 21 .223 caliber rounds that were in the clip. There were also two shotguns, which were leaning on the back of the large couch. The first one Investigators checked was a "Heckler Koch Arlington", Model 22201, 12 gauge shotgun, Serial #[redacted]. Investigators observed the bolt action containing one live round, which was stuck into it to prevent the bolt from going forward. There were eight live rounds in the magazine. As Investigators removed them, we observed them to be one slug, two #4 buck, one slug, two #4 buck and one slug. All these rounds are 12 gauge shotgun rounds. The third weapon is also a "Heckler Koch Arlington", Model 22201, 12 gauge shotgun, Serial #[redacted]. Investigators observed this shotgun to be empty. These guns will be transported to the Firearms Section at the Crime Lab to be examined.

As you leave the living room area in an east direction, you enter back into the hallway. Directly east of the hallway is another doorway leading into a dining room area. The dining room has a table and four chairs in the center of the room with numerous papers and articles on the table. There is a hutch along the east wall. On the north wall a telephone hangs in a small black box. The rest of this room is unremarkable.

Traversing northbound in the hallway from the dining room area, the next doorway accesses the kitchen area which also is on the east side of the hallway. This room is unremarkable.

Continuing northbound in the hallway, you would walk directly into the master bedroom. This room contains a king size bed and some dressers. The rest of the room is unremarkable.

To the east at the end of the hallway is a bathroom containing the usual bathroom fixtures and is unremarkable.

The hallway then turns in a west direction and leads to a covered patio area. Lying on the floor in the hallway just south of the master bedroom door is a pillow in a yellow pillowcase. Also in the hallway, as it turns west, lying on the floor are 15 expended 12 gauge shell casings (Evidence Held Item #2). The doorway leading to the covered patio area is opened and behind this door is a doorway to the closet which is the south wall of the hallway. This closet is also unremarkable.

On the floor with the shotgun shells are pieces of a thermostat which apparently was broken from the thermostat which was on the north wall of the hallway. As you step into the covered patio area from the hallway, Investigators observed one 12 gauge spent shotgun casing on the floor next to a small box which was covered with carpet and had holes in it. This casing was included with Evidence Held Item #2. On top of this box was a radio. Leaning up against the sliding glass door is a large extension ladder. Directly north of this ladder in front of the sliding glass door is a treadmill, approximately 6 foot long and has handles 3 foot up on each side. Investigators observed shards of glass on the floor, on top of the treadmill and scattered throughout the covered patio area. Along the west wall of this covered patio area is a weight lifting bench with some weights in the extension arms at the west end. This bench extends out towards the center of the room.

Along the north wall in the northwest corner is a Harley Davidson motorcycle. This motorcycle has bullet holes in the rear and front fenders, the muffler area, on the right side of the motorcycle and into the casing of the motorcycle. On the wall directly behind the motorcycle between the front wheel and the motor of the motorcycle is strike marks apparently from a shotgun. To the east of the motorcycle on the north wall is a doorway which has glass panes in the top portion of the doorway. This doorway is an exit door from the covered patio area to the rear yard.

Again along the north wall, there is another doorway that leads to the garage. In the outer edge of the doorway, approximately two feet down from the top, there is a bullet hole entrance which exits just by the window pane located in the top portion of this doorway. This window pane is broken and normally gives visual access between the garage and patio area. Around the covered patio room, starting with the north wall and along the entire west wall, there are windows from approximately 3 foot from the floor

to the top of the ceiling. On the east wall of the covered patio, there is a shelf approximately 3 feet up from the floor, approximately 8 feet long and above this shelf are some windows that lead into the master bedroom area. Investigators noted the windows along the west wall at the north end of the patio and the windows on the north wall of the patio had several gunshot holes and were broken in several places from gunshots.

The exit door leading to the rear yard also had two of the panes of glass broken apparently from gunshot. The lower portion of the west wall just below the window at the north end just south of the rear of the motorcycle, there is a hole caused by gunshots. In the ceiling of the northwest corner above the window along the north wall are holes in the ceiling caused by gunshot and in the center of the room the ceiling also has holes caused by gunshot. These holes appeared to be made by shotgun blast in a northwest direction.

Investigators noted a gouge in the plaster on the east wall approximately 2 inches up from the floor and 10 inches north of the north door frame of the door leading into the hallway into the interior of the location. Scattered throughout the floor area of the enclosed patio area were fragments of lead and wadding. Upon closer examination of the room, Investigators observed a lead projectile (Evidence Held Item #3) on the floor under the east end of the treadmill. On the right handle of the treadmill, sitting in front of the sliding glass door which lead into the family room, Investigators observed a bullet hole which was travelling from the south to the north towards the garage. The door leading into the garage area on the outer edge, Investigators observed a small bullet hole with the exit by the center of the glass towards the outer edge of the door. The frame was broken, but the glass pane in the door was not.

Exiting from the covered patio area travelling northbound into the garage through the doorway, which would be the south door of the garage, directly on the west wall of the garage, Investigators observed a garage door opener and a wall mounted telephone. Just north of the telephone is a bullet hole, which traverses through the wall and with a site lineup would be one that striked the north window of the covered patio area. Travel of this bullet would be through and through and east to west.

Directly in front of the doorway is a black Ford F-150 pickup, license #[redacted]. There is a bullet hole through the front windshield, passing through the vehicle and the rear window is shattered and broken out. On top of the hood of this pickup is an empty "Coors Lite" beer can. In the bed of the pickup, there are shards of glass. Directly on the floor in front of the pickup, Investigators observed blood droplets that had been walked in by numerous people. Also, there was blood on the phone on the west



wall and blood on the wall beneath it. Along the south wall of the garage, there are shelves with numerous articles. On the floor, just east of the shelves, is a large gray steel gun safe, with a combination lock and just east of the gun safe is a water heater, which sits directly in the southeast corner of the room. In front of the safe on the floor, Investigators observed the 38 empty .44 Mag casings and the four live .44 rounds (Evidence Held Item #9).

Just north of the south wall on the east side of the garage is a white Hyundai, four door, license #[redacted]. Along the east wall, north of the water heater, is a clothes dryer and just north of the dryer is a washing machine. On top of the clothes dryer, Investigators observed the "Ruger Super Blackhawk" (Evidence Held Item #7). Upon closer examination, Investigators observed the revolver to be unloaded and there was blood on the grip, cylinder and the ejection rod of the weapon. Lying next to this revolver was an expended .44 Magnum casing. Also on the other side of the pistol, Investigators observed a "Raven", .25 caliber pistol, which was listed in the personal property section of this report. The pistol was unloaded and there was no clip in it. Also on the top of the dryer were miscellaneous papers and I.D. in the name of Suspect Nelson.

North of the washing machine along the east wall is a refrigerator. Next to the refrigerator sitting on the floor is a trash can, which was filled with trash with four empty "Coors Lite" beer cans at the very top of the trash can. At that location the wall juts out to the west and on this 3 1/2-4 foot wall, there are cabinets, a counter and drawers. There was blood on the floor and counter top. Sitting on the counter is another empty "Coors Lite" beer can. On the shelves are numerous boxes of ammunition.

Investigators checked both the pickup and the Hyundai, which were parked in the garage. Both of them have a remote which opens and closes the garage door.

Investigators then exited the garage through the open large garage door, entered the back yard, which is on the west side of the garage, through the small security gate next to the garage. The rear yard is surrounded by a 5 foot cinder block wall, small grassy area and sidewalk leading to the rear door of the covered patio. Investigators observed bullet holes in the cinder block wall, just west of the north wall of the covered patio area. They also observed bullet holes in the stucco of the garage on the west side of this cinder block wall, which belonged to the property at [redacted]. Along the window ledge of the north wall of the covered patio area, Investigators observed a copper jacket (Evidence Held Item #4) lying on the window sill area. Lying in

the grass, just north of the west corner of the covered patio area, Investigators observed a lead slug (Evidence Held Item #5).

Investigators then went to [redacted] to the garage area that had two large holes on the east wall of the garage where they observed a brown Mazda, four door, license [redacted]. On top of this Mazda was a large lead projectile (Evidence Held Item #6). The top of the car hood, cabinets, sinks, and throughout the interior of the garage was covered with stucco and plaster.

Investigators interviewed the suspect's [redacted]. Mrs. [redacted], FW/32, DOB: [redacted], [redacted], work: [redacted]. Mrs. [redacted] statement was tape-recorded and this recording shall be transcribed and made a permanent part of this file.

After the tape recording, Mrs. [redacted] continued to talk about the party that she and the suspect had attended the night before. She stated that maybe the eight "Jack Daniels and Seven" that the suspect drank in conjunction with the pills he was taking had caused him to act so irrational.

Also while at the location on 10-26-91 at 1302 hours, Investigators interviewed [redacted], MW/43, DOB: [redacted]. Mr. [redacted] statement was tape-recorded which will be transcribed and become a permanent part of this file.

Also at the location, Investigators interviewed [redacted], MW/28, DOB: [redacted], [redacted] His statement was tape-recorded which will be transcribed and become a permanent part of this file.

Upon completion of their on scene investigation, Investigators responded to Special Enforcement Bureau Headquarters where they interviewed Deputies **MICHAEL CLAUS**, MW/29, #[redacted] **SAL VELASQUEZ**, MH/33, #[redacted] **PHILLIP MARTINEZ**, MW/34, #[redacted] **JOHN RHODES**, MW/37, #[redacted] **WILLIAM EDWARDS**, MW/43, #[redacted] and **STEVEN PETERSEN**, MW/42, #[redacted] All of these interviews were tape-recorded. The taped statements will be transcribed and their statements will all become a permanent part of this file.

On 10-26-91 at 1850 hours, Investigators responded to Los Angeles County Hospital where they interviewed Suspect **TIMOTHY WAYNE NELSON**, MW/34. Mr. Nelson's statement was tape-recorded, will be transcribed and become a permanent part of this file.

On 10-28-91, investigators transported weapons used by the S.E.B. deputies, (receipt #H425917), as well as evidence items 1-9, (receipt #H425918), to the Firearms Section of the Sheriff's Crime Lab where they will be examined by a firearms expert who will make



a report of his findings and said report will become a permanent part of this file.

Investigators contacted Sgt. Parrau and Dep. Maria Burwell of the Crisis Negotiations Team. They said that they had telephone contact with the suspect various times during the situation and he sounded at times to be intoxicated and irrational. He also sounded as if he were in pain just after the shooting. He stated to the negotiators that he had tried to shoot the phone off the wall but said that he didn't try to shoot at the deputies. The suspect was advised to put down his weapon and surrender to the deputies and initially was apprehensive, believing he would be killed, but subsequently complied.

The facts of this case will be presented to the District Attorney's Office for appropriate filings.

Investigation to continue with further reports to follow.

BY: INVESTIGATOR GERALD JANSEN, #[redacted]
INVESTIGATOR GERALD BIEHN, #[redacted]
APPROVED: LIEUTENANT DON BEAR
HOMICIDE BUREAU - DETECTIVE DIVISION

TALY/WPII